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REMARKS/DISCUSSION OF ISSUES

Applicants thank Examiner Cho for the numerous courtesies shown in attempting to grant an interview.

Specification. The Applicant has amended the specification herein to correct typographical and format errors. No new matter was introduced by the amendments of the specification herein.

Drawings. The attached replacement drawing sheet 1/8 includes a correction of a misspelling of the word "HISTORY" in the label of database 41 as illustrated in FIG. 1. Examiner Cho is therefore respectfully requested to approve the proposed replacement drawing sheet 1/8.

Claims 1-4, 7, 9, 15-18, 21, 23, 29-32, 35 and 37. In the Non-Final Office Action, Examiner Cho rejected pending claims 1-4, 7, 9, 15-18, 21, 23, 29-32, 35 and 37 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0018340 A1 to *Tagi* in view of U.S. Patent No. 6,647,269 B2 to *Hendrey* et al. The Applicant responds to this obviousness rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of claims 1-4, 7, 9, 15-18, 21, 23, 29-32, 35 and 37 under 37 CFR § 1.112.

As to this obviousness rejection of claims 1-4, 7, 9, 15-18, 21, 23, 29-32, 35 and 37, the Applicant has thoroughly considered Examiner Cho's remarks concerning the patentability of claims 1-4, 7, 9, 15-18, 21, 23, 29-32, 35 and 37 over *Tagi* in view of *Hendrey*. The Applicant has also thoroughly read *Tagi* and *Hendrey*. To warrant this obviousness rejection, there must be some suggestion or motivation in *Tagi* and *Hendrey* to modify *Tagi* in view of *Hendrey* as proposed by Examiner Cho, and all the claim limitations

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recited in independent claims 1, 15 and 29 must be taught or suggested by the combination of *Tagi* and *Hendrey*. See, MPEP §2143. The Applicant respectfully traverses this obviousness rejection of claims 1-4, 7, 9, 15-18, 21, 23, 29-32, 35 and 37, because the combination of *Tagi* and *Hendrey* fails to teach or suggest following limitations of independent claims 1, 15 and 29:

1. "initiating a user preferred schedule for transmitting advertisements to the mobile station subsequent to a detection of the registration", and "transmitting the advertisement to the mobile station in accordance with the user preferred schedule" as originally recited in independent claim 1;
2. "means for initiating a user preferred schedule for transmitting advertisements to said mobile station subsequent to the registration detection", and "means for controlling a transmission of an advertisement in accordance with the schedule" as originally recited in independent claim 15; and
4. "computer readable code for initiating a user preferred schedule for transmitting advertisements to said mobile station subsequent to the registration detection", and "computer readable code for controlling a transmission of an advertisement in accordance with the schedule" as originally recited in independent claim 29; and

As to the missing limitation traversal, Examiner Cho has recognized the failure of *Tagi* to teach or suggest the aforementioned limitations of independent claims 1, 15 and 29, and a proper reading of *Hendrey* reveals that *Hendrey* also fails to teach or suggest the aforementioned limitations of independent claims 1, 15 and 29.

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Specifically, as illustrated in FIG. 1, *Hendrey* teaches a location-sensitive advertising generation subsystem 131 for generating relevant advertising content given the location of a user of mobile station 110 relative to a location of a relevant business wherein subsystem 131 uses a customer profile, a business profile and time as filtering factors for the location-sensitive advertising. See, *Hendrey* at column 4, lines 28-44; and at column 5, lines 12-24. By comparison, the present invention implements a user preferred schedule sensitive advertising as encompassed by independent claims 1, 15 and 29 that is filtered by (1) an advertiser location filter as encompassed by dependent claims 7, 21 and 35, respectively, (2) a user profile filter as encompassed by dependent claims 9, 23 and 37, respectively, and (3) advertisement list filter as encompassed by dependent claims 10, 24 and 28, respectively. Thus, at best, the combination of *Tagi* and *Hendrey* teaches an initiation of a location-sensitive generation of advertisements subsequent to a detection of a registration of a mobile station to a base station, and a transmission of a generated advertisement to the mobile station based on the relative location of the mobile station and the relevant business.

Furthermore, to warrant this obviousness rejection, there must be some suggestion or motivation in *Tagi* and *Hendrey* to modify *Tagi* in view of *Hendrey* as proposed by Examiner Cho. See, MPEP §2143. The Applicant further traverses this obviousness rejection of claims 1-4, 7, 9, 15-18, 21, 23, 29-32, 35 and 37, because *Tagi* teaches away from the modification of *Tagi* in view of *Hendrey* as proposed by Examiner Cho by teaching away from the aforementioned limitations of independent claims 1, 15 and 29 due to the fact that the scopes of independent claims 1, 15 and 29 encompass a "pushing" of advertisements to a mobile station, and the teachings of *Tagi* encompass a "pulling" of advertisements by a mobile station. This distinction between the present invention and *Tagi* is unequivocal in view of a proper operational understanding of the present invention and *Tagi*.

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Specifically, *Tagi* teaches a "pulling" of an advertisement to a mobile station 12 subsequent to a detection of a depression of request key 14e by a user of mobile station in a step E1 as illustrated in FIGS. 13 and 14. See, *Tagi* at paragraphs [0077] - [0081]. As such, without teaching a "pushing" of advertisements to mobile station 12, *Tagi* teaches away from an implementation of a user preferred schedule in any manner. Particularly, in the manner as taught by the present invention whereby a user preferred schedule is initiated subsequent to a detection of a registration of a mobile station to a base station to thereby push an advertisement to the mobile station in accordance with the schedule.

While independent claims 1, 15 and 25 as originally recited are clearly nonobvious over *Tagi* in view of *Hendrey*, the Applicant has amended independent claims 1, 15 and 25 herein to more particularly point and distinctly claim the "pushing" aspect of the present invention over the "pulling" aspect of *Tagi*. Withdrawal of the rejection of independent claims 1, 15 and 25 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* is therefore respectfully requested.

Claims 2-4, 7 and 9 depend from independent claim 1. Therefore, dependent claims 2-4, 7 and 9 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-4, 7 and 9 are allowable over *Tagi* in view of *Hendrey* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Tagi* in view of *Hendrey*. Withdrawal of the rejection of dependent claims 2-4, 7 and 9 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* is therefore respectfully requested.

Claims 16-18, 21, and 23 depend from independent claim 15. Therefore, dependent claims 16-18, 21, and 23 include all of the elements and limitations of independent claim 15. It is therefore respectfully submitted by the Applicant that dependent claims 16-18, 21, and 23 are allowable over *Tagi* in view of *Hendrey* for at least the same reason as set forth herein with respect to independent claim 15 being allowable over *Tagi* in view of *Hendrey*. Withdrawal of the rejection of dependent claims 16-18, 21, and 23 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* is therefore respectfully requested.

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Claims 30-32, 35 and 37 depend from independent claim 29. Therefore, dependent claims 30-32, 35 and 37 include all of the elements and limitations of independent claim 29. It is therefore respectfully submitted by the Applicant that dependent claims 30-32, 35 and 37 are allowable over *Tagi* in view of *Hendrey* for at least the same reason as set forth herein with respect to independent claim 29 being allowable over *Tagi* in view of *Hendrey*. Withdrawal of the rejection of dependent claims 30-32, 35 and 37 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* is therefore respectfully requested.

Claims 11-13, 25-27 and 39-41. In the Non-Final Office Action, Examiner Cho rejected pending claims 11-13, 25-27 and 39-41 under 35 U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey*. The Applicant responds to this obviousness rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of claims 11-13, 25-27 and 39-41 under 37 CFR § 1.112.

As to the obviousness rejection of claims 11-13, 25-27 and 39-41, the Applicant has thoroughly considered Examiner Cho's remarks concerning the patentability of claims 11-13, 25-27 and 39-41 over *Tagi* in view of *Hendrey*. The Applicant has also thoroughly re-read *Tagi* and *Hendrey*. To warrant this obviousness rejection, all the claim limitations recited in independent claims 11, 25 and 39 must be taught or suggested by the combination of *Tagi* and *Hendrey*. See, MPEP §2143. For reasons previously set forth herein regarding the "pulling" aspect of *Tagi*, the Applicant respectfully asserts that *Tagi* and *Hendrey* in combination fail to teach or suggest the following amended limitation of independent claims 11, 25 and 39:

1. "pushing an advertisement to the mobile station subsequent to a registration of the mobile station with a base station" as recited in amended independent claim 11;

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2. "a computer operable to control a push of an advertisement to said mobile station subsequent to a registration of said mobile station with a base station" as recited in amended independent claim 25; and
3. "computer readable code for pushing an advertisement to the mobile station subsequent to a registration of the mobile station with a base station" as recited in amended independent claim 39.

Withdrawal of the rejection of independent claims 11, 25 and 39 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* is therefore respectfully requested.

Claims 12 and 13 depend from independent claim 11. Therefore, dependent claims 12 and 13 include all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claims 212 and 13 are allowable over *Tagi* in view of *Hendrey* for at least the same reason as set forth herein with respect to independent claim 11 being allowable over *Tagi* in view of *Hendrey*. Withdrawal of the rejection of dependent claims 12 and 13 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* is therefore respectfully requested.

Claims 26 and 27 depend from independent claim 25. Therefore, dependent claims 26 and 27 include all of the elements and limitations of independent claim 25. It is therefore respectfully submitted by the Applicant that dependent claims 26 and 27 are allowable over *Tagi* in view of *Hendrey* for at least the same reason as set forth herein with respect to independent claim 25 being allowable over *Tagi* in view of *Hendrey*. Withdrawal of the rejection of dependent claims 26 and 27 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* is therefore respectfully requested.

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Claims 40 and 41 depend from independent claim 39. Therefore, dependent claims 40 and 41 include all of the elements and limitations of independent claim 39. It is therefore respectfully submitted by the Applicant that dependent claims 40 and 41 are allowable over *Tagi* in view of *Hendrey* for at least the same reason as set forth herein with respect to independent claim 39 being allowable over *Tagi* in view of *Hendrey*. Withdrawal of the rejection of dependent claims 40 and 41 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* is therefore respectfully requested.

Claims 5, 6, 14, 19, 20, 28, 33, 34 and 42. In the Non-Final Office Action, Examiner Cho rejected pending claims 5, 6, 14, 19, 20, 28, 33, 34 and 42 under 35 U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* and in further view of U.S. Patent Application Publication No. 2003/0050837 to *Kim*. The Applicant responds to this obviousness rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of claims 5, 6, 14, 19, 20, 28, 33, 34 and 42 under 37 CFR § 1.112.

Claims 5 and 6 depend from independent claim 1. Therefore, dependent claims 5 and 6 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 5 and 6 are allowable over *Tagi* in view of *Hendrey* and in further view of *Kim* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Tagi* in view of *Hendrey*. Withdrawal of the rejection of dependent claims 5 and 6 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* and in further view of *Kim* is therefore respectfully requested.

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Claim 14 depends from independent claim 11. Therefore, dependent claim 14 includes all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claim 14 is allowable over *Tagi* in view of *Hendrey* and in further view of *Kim* for at least the same reason as set forth herein with respect to independent claim 11 being allowable over *Tagi* in view of *Hendrey*. Withdrawal of the rejection of dependent claim 14 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* and in further view of *Kim* is therefore respectfully requested.

Claims 19 and 20 depend from independent claim 15. Therefore, dependent claims 19 and 20 include all of the elements and limitations of independent claim 15. It is therefore respectfully submitted by the Applicant that dependent claims 19 and 20 are allowable over *Tagi* in view of *Hendrey* and in further view of *Kim* for at least the same reason as set forth herein with respect to independent claim 15 being allowable over *Tagi* in view of *Hendrey*. Withdrawal of the rejection of dependent claims 19 and 20 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* and in further view of *Kim* is therefore respectfully requested.

Claim 28 depends from independent claim 25. Therefore, dependent claim 28 includes all of the elements and limitations of independent claim 25. It is therefore respectfully submitted by the Applicant that dependent claim 28 is allowable over *Tagi* in view of *Hendrey* and in further view of *Kim* for at least the same reason as set forth herein with respect to independent claim 25 being allowable over *Tagi* in view of *Hendrey*. Withdrawal of the rejection of dependent claim 28 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* and in further view of *Kim* is therefore respectfully requested.

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Claims 33 and 34 depend from independent claim 29. Therefore, dependent claims 33 and 34 include all of the elements and limitations of independent claim 29. It is therefore respectfully submitted by the Applicant that dependent claims 33 and 34 are allowable over *Tagi* in view of *Hendrey* and in further view of *Kim* for at least the same reason as set forth herein with respect to independent claim 29 being allowable over *Tagi* in view of *Hendrey*. Withdrawal of the rejection of dependent claims 33 and 34 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* and in further view of *Kim* is therefore respectfully requested.

Claim 42 depends from independent claim 39. Therefore, dependent claim 42 includes all of the elements and limitations of independent claim 39. It is therefore respectfully submitted by the Applicant that dependent claim 42 is allowable over *Tagi* in view of *Hendrey* and in further view of *Kim* for at least the same reason as set forth herein with respect to independent claim 39 being allowable over *Tagi* in view of *Hendrey*. Withdrawal of the rejection of dependent claim 42 under U.S.C. §103(a) as being unpatentable over *Tagi* in view of *Hendrey* and in further view of *Kim* is therefore respectfully requested.

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SUMMARY

The Applicant respectfully submits that claims 1-42 as listed herein fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

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